

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:21-cv-00589-RJC-DCK**

<b>ELLEN HICKS and</b>	)	
<b>JAMIE SHERMAN,</b>	)	
<b>individually and on behalf of</b>	)	
<b>all persons similarly situated,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>DIRECT HIT LOGISTICS, INC. and</b>	)	
<b>DHL EXPRESS (USA) INC.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** comes before the Court sua sponte. For the reasons set forth below, Plaintiff is **ORDERED** within twenty-one (21) days of the entry of this Order to file proof of service on Defendant Direct Hit Logistics, Inc. in accordance with Rule 4. Failure to do so will cause the Court to dismiss this case.

Pursuant to Rule 4(*l*) of the Federal Rules of Civil Procedure, unless service is waived, proof of service must be made to the court. Further, “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). On November 1, 2021, Plaintiff filed this action against Defendants Direct Hit Logistics, Inc. (“Direct Hit”) and DHL Express (USA) Inc. (“DHL”). Thereafter, DHL waived service, and was later voluntarily dismissed pursuant to a stipulation of dismissal. (Doc. Nos. 2, 3, 10). The stipulated dismissal states, “[t]his litigation will continue as to Direct Hit, and Plaintiffs will continue to prosecute all claims against Direct Hit.” (Doc. No.

10). Under Rule 4(m), Plaintiff was required to serve Direct Hit within 90 days after filing the Complaint. Ninety days has passed since the Complaint was filed and, to date, Plaintiff has not filed proof of service or waiver of service as to Defendant Direct Hit.

**THEREFORE**, Plaintiff is **ORDERED** within twenty-one (21) days of the entry of this Order to file proof of service on Defendant Direct Hit Logistics, Inc. in accordance with Rule 4. Failure to do so will cause the Court to dismiss this case.

**SO ORDERED.**

Signed: June 16, 2022

  
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Robert J. Conrad, Jr.  
United States District Judge  
